

REMARKS

In response to the Official Action mailed February 26, 2004, Applicant requests reconsideration. In this Response, no claims are added or canceled so that claims 1-10 remain pending. No new matter has been added.

Claims 1-10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. That rejection is respectfully traversed. That rejection is moot in view of the present amendment. In accordance with the suggestion by the Official Action, claims 1 and 6 are amended to recite "a quantity, representing the number of steps executable in response to a single start-up."

Independent claims 1 and 6 were rejected as unpatentable over Coleman et al. (U.S. Patent 4,562,436, hereinafter Coleman) in view of Redford et al. (U.S. Patent 4,692,858, hereinafter Redford) and further in view of Clarisse (U.S. Patent 5,247,651). That rejection is respectfully traversed. As noted in the previous Amendment, in response to the rejection of claims 5 and 10, Clarisse fails to teach or suggest those limitations that are absent in Coleman and Redford.

A personal interview was conducted on May 20, 2004, between Examiner Gross and Applicant's representative. Clarisse was discussed in relation to the claims of the present application. No agreement was reached.

The Official Action contends that Clarisse teaches storing a quantity of steps executable in response to a single start-up. The cited portion of Clarisse discloses a simulator for executing a series of scripts that are stored on a virtual tape (see column 40, lines 10-36 of Clarisse). Therefore, it appears that the Official Action is construing the start of this tape as the "start-up" of claims 1 and 6. The counter increments as each script (step) on the tape is executed, or decrements as scripts are undone (see column 41, lines 36-37 and column 42, lines 4-7 of Clarisse). If the value of the counter is set ahead of the current script count, the simulator will autoplay (continue to automatically execute the scripts) the virtual tape until the set count value is reached (see column 41, lines 42-53 of Clarisse). Thus, Clarisse merely stores the number of steps executed since a start-up, not the number of steps that are executable in response to a start-up. In other words, the counter in Clarisse does not know how many steps are executable in response to a start-up until all of the executable steps have been executed. For example, if the counter is set to advance to step 50, but there are only 40 executable steps on the tape (perhaps because the tape ends), then Clarisse clearly has not stored the number of steps that are executable in response to a start-up (see column 41, lines 49-53 of Clarisse). When scheduling the execution of scenarios, it is advantageous to know the number of steps that will execute

before the actual execution of those steps. Clarisse does not provide this feature of the invention. Accordingly, Clarisse does not teach or suggest this limitation of claims 1 and 6.

The Official Action posits that Coleman can be modified by Redford to include scenarios that have steps, and that Clarisse can modify the combination of Coleman and Redford to include storing a quantity of steps executable in response to a start-up. However, such a modification would merely result in the addition of a counter to Coleman to count the number of steps executed in a scenario as the scenario is executed (see column 41, lines 36-37 of Clarisse). That modification does not suggest a priority level definition storage means storing a quantity of steps, known before the scenario is executed by the scenario analysis processing means, that will be executed in response to a start-up. There is a clear difference between the present invention, which determines how many steps will be executed, and Clarisse, which merely reports how many steps were executed.

Because of these differences, considered individually and together, neither of the pending independent claims can be suggested by any combination of Coleman, Redford, and Clarisse. For the same reasons, dependent claims 5 and 10 are patentable over that purported combination of references.

Dependent claims 2 and 7, 3 and 8, and 4 and 9, were rejected on the same grounds as independent claims 1 and 6 and, in addition, respective fourth references. These rejections are still traversed because the rejections depend upon the propriety of the rejection of claims 1 and 6. Since it has been demonstrated that those rejections are incorrect, the rejections of claims 2-4 and 7-9 cannot be properly maintained.

Reconsideration and withdrawal of the rejections and allowance of claims 1-10 are earnestly solicited.

Respectfully submitted,



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